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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,209	08/06/2001	John Spiers	46286-01006	5249
25928	7590	01/21/2004	EXAMINER	
CHRISTOPHER J. KULISH, ESQ			COULTER, KENNETH R	
HOLLAND & HART LLP			ART UNIT	PAPER NUMBER
P. O. BOX 8749			2141	
DENVER, CO 80201-8749			DATE MAILED: 01/21/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/682,209	SPIERS ET AL.
	Examiner Kenneth R Coulter	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 – 17 are rejected under 35 U.S.C. 102(b) as being disclosed by Jones et al. (U.S. Pat. No. 5,689,698) (Method and Apparatus for Managing Shared Data Using a Data Surrogate and Obtaining Cost Parameters from a Data Dictionary by Evaluating a Parse Tree Object).

2.1 Regarding claim 15, Jones discloses a computer structure comprising:
a host computer that is remotely located relative to a network attached storage device and comprising:
a host network interface for transmitting/receiving communications to/from a network infrastructure according to a packet protocol (col. 4, lines 2 - 18).
a host operating system with a host block storage device processor that is capable of:
receiving, from an application executing on a host computer, a file command (Fig. 2; col. 6, line 56 – col. 7, line 9);

translating a file command into network command of a set of network commands that is interface independent relative to block data storage devices (Fig. 2, item 227 'ODBC'; Abstract; col. 4, lines 2 - 12);

transmitting said network command to said host network interface for conveyance over a network infrastructure according to a packet protocol (Fig. 2; Abstract);

receiving a response to a previously transmitted network command from said host network interface (Figs. 2, 4A; col. 7, lines 4 - 9); and

transmitting, if appropriate, said response to the application as at least a partial reply to the file command (Figs. 2, 4A; col. 7, lines 4 - 9).

2.2 Per claim 16, Jones teaches a network attached storage device comprising:
a storage device network interface capable of transmitting/receiving communications to/from a network infrastructure according to a packet protocol (col. 4, lines 2 - 18);

a block storage device interface capable of transmitting/receiving communications to/from a block data storage device (Fig. 2; Fig. 3B, item 352);

a storage device operating system with a block storage device processor that is capable of:

receiving, from said storage device network interface, a network command of a set of network commands that is interface independent relative to block data storage device (Abstract; col. 3, line 60 – col. 4, line 9 'ODBC');

generating, to carry out said network command, one or more device specific commands for a block data storage device (Abstract; col. 3, line 60 – col. 4, line 12);

transmitting each of said one or more device specific commands to said block storage device interface (Fig. 2; Abstract);

receiving, from said block storage device interface, a response to said one or more device specific commands that satisfies the network command (Figs. 2, 4A; col. 7, lines 4 - 9); and

transmitting, to said storage device network interface, said response to said network command (Figs. 2, 4A; col. 7, lines 4 - 9).

2.3 Regarding claims 2 – 14 and 17, the rejection of claims 15 and 16 under 35 USC 102(b) (paragraphs 2.1 and 2.2 above) applies fully.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-9700.

KENNETH R. COULTER
PRIMARY EXAMINER
Kenneth Coulter

krc